

Remarks

Claims 65-118 are currently pending, of which claims 65, 79, 89, 97, and 108 are in independent form.

One of the two instances of dependent claim 91, claim 91a as designated in the pending Office Action, has been cancelled without prejudice or limitation.

No other claims have been amended by way of this response.

Favorable reconsideration of the present application as currently constituted is respectfully requested.

Claim Objections

Applicant appreciates the comments provided in the instant Office Action with respect to the duplication of claim number 91. Applicant has canceled the first instance of claim 91 by way of the present Response. It is believed that the pending claim objections in this regard have been overcome.

Claim Rejections under 35 U.S.C. §102(e)

In the pending Office Action, claims 65, 67-70, 89, 91a, 97, 99, 108, and 110 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,958,006 to Eggleston et al.

(hereinafter the *Eggleston* reference). The Examiner has commented as follows in connection with the outstanding \$102(e) rejections:

With regard to claims 65, 89, 97, and 108, Eggleston disclosed a method of redirecting e-mail messages and message attachments to a user of a mobile data communication device that is associated with a host system and communicates therewith via a wireless gateway, the method comprising the steps of:

Receiving a data item (email) at the host system (server 115) from a message sender, the data item being directed to an address associated with the user at the host system (address of mobile user 105), the data item including an e-mail message and a message attachment (e.g. email message with attachment, Col 8, lines 30-37);

Redirecting at least a portion of the e-mail message from the host system to the mobile data communication device via the wireless gateway using a network address of the mobile data communication device (e.g. when the user has implemented a filter and only part of the message is sent to the user, see inter alia Col 3, lines 23-26 and Col 10, lines 10-32);

Receiving a first command message from the mobile data communication device at the host system requesting more of the data item (i.e. sends the request after receiving partial or summary data for more of the message or all of the message, see inter alia Col 3, lines 29-34 or Col 10, line 57 - Col 11, line 4);

Redirecting the message attachment from the host system to the mobile data communication device via the wireless gateway using the network address of the mobile data communication device in response to first command message (i.e. when the user requests all of the message or full transfer of the message, the attachment will also

be sent to the user's mobile device, again see inter alia Col 3, lines 29-34 or Col 10, line 57 - Col 11, line 4);

In addition, the pending Office Action includes the following remarks in response to Applicant's arguments of January 16, 2007:

Examiner does agree with Applicant that in one embodiment of Eggleston attachments will be filtered based on size and type. However, Eggleston explicitly allows the user to override such filters and in doing so the user is able to transfer part or all of the contents within a message (see inter alia Col 3, lines 29-34 and Col 10, line 57 - Col 11, line 4, "The user is thus able to review the summary information and make a determination on whether or not to **override the filter rejection.**" (emphasis added)). Thus, Examiner maintains that Eggleston clearly disclosed Applicant's claimed first command in view of at least Eggleston's filter override functionality.

Without acquiescing in the characterization of the art and/or the pending claims as set forth in the Office Action, Applicant respectfully traverses the foregoing \$102(e) rejections and offers the following discussion as support.

First, while *Eggleston* may teach filter override functionality, Applicant contends that this override functionality is employed only in the case of non-qualifying messages and not in respect of all messages which may include qualifying messages. This must be the case; otherwise there would not be a meaningful

need for the override functionality in *Eggleston*. Accordingly, as explicitly set forth in FIG. 7 of *Eggleston*, all qualifying mail, i.e., mail that has passed the filtering stage, is forwarded to a mobile unit. See blocks 706 and 708. In other words, if a mail item has passed an attachment size filter or an attachment type filter, for example, as provided in FIGS. 5 and 6 of *Eggleston*, that mail item along with the attachment is unconditionally forwarded to the mobile unit. That is, in *Eggleston*, if a mail item is a qualifying mail item having an attached file, then it is sent to the mobile unit without having to require a command message therefrom in order to receive the attached file. That the asserted override functionality comes into play only in the case non-qualifying messages can be seen in the following passage in *Eggleston*:

In yet another main embodiment, a select and summary (S&S) listing or index is used to provide user flexibility in reviewing and requesting otherwise filtered data. Both the user's remote communication unit and communication server maintain a S&S index containing identifying (summary) information about data which has not been fully transferred between the communication unit and communication server. As new data is reviewed and filtered for transfer, identifying/summary information is captured for any non-qualifying data by either a host unit or the communication server. This information is stored in the communication server's S&S index, and at least periodically, or upon request, transferred via

update messaging to the remote communication unit. Upon reviewing its updates or its S&S index, the user may send a request for such of the data that it desires partial or full transfers for further review. Thus, a cost efficient review mechanism is provided to users for determining **whether to transfer data that otherwise fails selected filter parameters.** Column 3, lines 16-34. (Emphasis added.)

This analysis is further supported by taking reference to other passages of *Eggleston*, for example, column 10, line 57 through column 11, line 4, excerpted below.

Upon receiving the delta of the identifying summary information, the client updates its S&S index and, when appropriate, prompts the user (again, the prompt criteria could be set for all messages, or some sub-set based on any filterable attribute, etc.). The user is thus able to review the summary information and make a determination on **whether or not to override the filter rejection.** For mail the user wants to read, the user indicates the decision by any appropriate means (clicking on the message, voice command, etc.) and an appropriate request generated (e.g., for all selected mail, for only a partially filtered version (e.g., truncated), etc.) (steps 720-722). The request is appropriately translated, as needed, and sent as a query object or message to the post office. Upon retrieval, the requested data is forwarded to the client via the QM. (Emphasis added.)

Applicant submits that the foregoing functionality is described in the context of FIGS. 7 and 8 of *Eggleston*, which specifically deal with reviewing selected information for filtered

and/or rejected data, that is, non-qualifying messages. Accordingly, Applicant takes the position that to the extent the pending Office Action appears to equate the filter override functionality with the claimed feature of "receiving a first command from the mobile data communication device at the host system requesting more of the data item", it is mischaracterization of *Eggleston* because the claimed "data item" is not a "non-qualifying message" necessarily required to warrant the override functionality in *Eggleston*. Applicant respectfully contends that only by improperly re-characterizing the term "non-qualifying message" of *Eggleston* to mean all messages, can one show the alleged equivalency required for anticipation under 35 U.S.C. §102(e).

At least for the foregoing reasons, it is believed that base claims 65, 89, 97, and 108 are allowable over *Eggleston*. Dependent claims respectively depending therefrom are also in condition of allowance over *Eggleston* based on the same rationale.

Claim Rejections under 35 U.S.C. §103(a)

Claims 66, 71-88, 90, 91b, 92-96, 98, 100-107, 109, and 111-118 stand rejected under 35 U.S.C. §103(a) as being unpatentable

over the *Eggleston* reference in view of U.S. Patent No. 5,964,833 to Kikinis (hereinafter the *Kikinis* reference).

Applicant respectfully traverses the foregoing §103(a) rejections and offers the following discussion as support. To the extent *Eggleston* is being relied upon as the primary reference with respect to certain dependent claims, Applicant submits that it is of no avail because of the distinctions between *Eggleston* and base claims 65, 89, 97, and 108 as set forth in detail above. Similar analysis also obtains with respect to base claim 79 and the dependent claims depending therefrom. On the other hand, the fundamental deficiency of *Eggleston* is not cured by the application of the secondary reference, i.e., *Kikinis* reference, with respect to maintaining the outstanding §103 rejections. As argued before, *Kikinis* is directed to "a system and method that uses paging technology to notify a subscriber's computer, and optionally the subscriber as well, of new mail to be accessed and processed, ..." See column 2, lines 46 et seq. Given that *Kikinis* contends with an entirely different technical problem, Applicant respectfully submits, at a minimum, that the disclosure of *Kikinis* is devoid of any motivation or suggestion to modify the teachings of the applied art with respect to rectifying the deficiencies of the *Eggleston*

reference. Further, the cumulative teachings of *Eggleston* and *Kikinis* do not teach or suggest all the limitations of the pending base claims inasmuch as the *Kikinis* reference is silent with respect to the features of providing a first command message from a mobile data communication device and redirecting an attached file associated with a mail message in response to the first command message.

At least for the foregoing reasons, it is believed that claims 66, 71-88, 90, 91, 92-96, 98, 100-107, 109, and 111-118 are allowable over the applied art.

Fee Statement

Compared to the highest number previously paid for, the number of independent claims has not increased and the total number of claims has not increased. Applicant believes no additional fees are due for the filing of this response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

Summary and Conclusion

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the pending claims, and in further view of the above remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

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